

Response to Office Action
Docket No. 002.0230.US.UTL

REMARKS

Claims 1-54 are pending. Claims 1, 12, 24, and 39 have been amended.
Claims 1-54 remain in the case. No new matter has been introduced.

The disclosure stands objected for an informality. The specification has
5 been amended to correct the informality. No new matter has been entered.
Withdrawal of the objection is requested.

Claims 1-2, 4-13, 15-23, 39-40, 44-51, and 53-54 stand rejected under 35
U.S.C. §102(e) as being anticipated over U.S. Patent No. 6,256,668, to Slivka et
al. ("Slivka"). A claim is anticipated under 35 U.S.C. 102(e) only if each and
10 every element as set forth in the claim is found, either expressly or inherently
described, in a single prior art reference. MPEP § 2131. The Slivka reference
fails to describe, either expressly or inherently, each and every claim element of,
and therefore does not anticipate, Claims 1-2, 4-13, 15-23, 39-40, 44-51, and 53-
54. Applicant traverses the rejection.

15 Slivka describes a method for identifying and obtaining computer software
that operates when a user, who has purchased or downloaded free computer
software, calls an update service or network service provider on a periodic basis
(Abstract; Col. 2, lines 32-37; Col. 6, lines 11-28; FIGURE 4). Upon connection,
the remote update service or network service ("update service") conducts an
20 automatic inventory of the computer software on the user computer and the data
collected from the inventory is used to make comparison to database entries from
a database containing information about computers software then available (Col.
2, lines 37-44; Col. 6, lines 29-39; FIGURE 4). After the comparison is complete,
the update service sends a summary to the user computer and makes the computer
25 software stored at a remote update service computer available to the user (Col. 2,
lines 49-52; Col. 6, lines 39-54; FIGURE 4).

In contrast, amended Claim 1 recites an appliance status table recording a
status report periodically received from a status daemon autonomously operating
on each of a plurality of network appliances, each status report containing health
30 and status information and application-specific data pertaining to autonomous
configuration and management of the each network appliance. Claim 1 further

Response to Office Action
Docket No. 002.0230.US.UTL

recites a catalog server maintaining configuration settings for each network appliance progressively assembled concurrent to providing installable components and dynamically providing a catalog listing currently installable components for each network appliance based on the configuration settings independently received from the network appliance.

In particular, Claim 1 recites progressively assembling configuration settings concurrent to providing installable components, rather than collecting inventory data upon receiving an update request from a user, as described by Slivka. By progressive assembling the configuration settings, the network appliance is able to periodically send a status report through a status daemon while the catalog server can defer assembling the configuration settings until such time that installable components are provided to the network appliance. In addition, Claim 1 has been amended to clarify that the status report is provided autonomously by a status daemon operating on the network appliance and without first requiring a user-initiated connection, as described in Slivka. Moreover, Claim 1 has been amended to clarify that the status report pertains to autonomous configuration and management of the network appliance, rather than the inventory and version information taught by Slivka. As well, Claim 1 has been amended to clarify that the configuration settings are based on the configuration settings independently received from the network appliance, rather than an inventory conducted in response to an update request received from a user, as described by Slivka. Support for the amendments can be found in the specification on page 6, lines 6-15; page 7, lines 7-26; page 11, line 27 through page 12, line 2. Such limitations are neither taught nor suggested by Slivka.

In contrast, amended Claim 12 recites recording a status report periodically received from a status daemon autonomously operating on each of a plurality of network appliances, each status report containing health and status information and application-specific data pertaining to autonomous configuration and management of the each network appliance. Claim 12 further recites maintaining configuration settings for each network appliance progressively assembled concurrent to providing installable components. Claim 12 further

Response to Office Action
Docket No. 002.0230.US.UTL

recites dynamically providing a catalog listing currently installable components for each network appliance based on the configuration settings independently received from the network appliance. Such limitations are neither taught nor suggested by Slivka.

5 In particular, Claim 12 recites progressively assembling configuration settings concurrent to providing installable components, rather than collecting inventory data upon receiving an update request from a user, as described by Slivka. By progressive assembling the configuration settings, the network appliance is able to periodically send a status report through a status daemon
10 while the catalog server can defer assembling the configuration settings until such time that installable components are provided to the network appliance. In addition, Claim 12 has been amended to clarify that the status report is provided autonomously by a status daemon operating on the network appliance and without first requiring a user-initiated connection, as described in Slivka. Moreover,
15 Claim 12 has been amended to clarify that the status report pertains to autonomous configuration and management of the network appliance, rather than the inventory and version information taught by Slivka. As well, Claim 12 has been amended to clarify that the configuration settings are based on the configuration settings independently received from the network appliance, rather
20 than an inventory conducted in response to an update request received from a user, as described by Slivka. Support for the amendments can be found in the specification on page 6, lines 6-15; page 7, lines 7-26; page 11, line 27 through page 12, line 2. Such limitations are neither taught nor suggested by Slivka.

In contrast, amended Claim 39 recites periodically providing a status
25 report containing health and status information and application-specific data pertaining to autonomous configuration and management of the one such network appliance and received from a status daemon autonomously operating on for the one such network appliance. Claim 39 further recites obtaining a catalog of currently installable components dynamically generated for the one such network
30 appliance based on the status report independently received from the one such network appliance. Claim 39 further recites determining non-current components

Response to Office Action
Docket No. 002.0230.US.UTL

by comparing the components and versions listed in the obtained catalog against the internal catalog. Such limitations are neither taught nor suggested by Slivka.

In particular, Claim 39 has been amended to clarify that a status daemon operating autonomously on the network appliance and independently from any user-initiated connection, as described in Slivka. Moreover, Claim 39 has been amended to clarify that the status report pertains to autonomous configuration and management of the network appliance, rather than the inventory and version information taught by Slivka. As well, Claim 39 has been amended to clarify that the configuration settings are based on the configuration settings independently received from the network appliance, rather than an inventory conducted in response to an update request received from a user, as described by Slivka. Support for the amendments can be found in the specification on page 6, lines 6-15; page 7, lines 7-26; page 11, line 27 through page 12, line 2. Such limitations are neither taught nor suggested by Slivka.

Accordingly, Slivka does not anticipate amended Claims 1, 12, and 39. Claims 2, 4-11 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Similarly, Claims 13, 15-23 are dependent on Claim 12 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Claims 40, 44-51, and 53-54 are dependent on Claim 39 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Withdrawal of the rejections of Claims 1-2, 4-13, 15-23, 39-40, and 53-54 for anticipation is requested.

Claims 3 and 14 stand rejected under 35 U.S.C. 103(a) as being obvious over Slivka, in view of U.S. Patent No. 5,978,912, to Rakavy et al. ("Rakavy"). To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the combined references must teach or suggest all the claim limitations. MPEP § 2143. Applicant traverses the rejection.

Response to Office Action
Docket No. 002.0230.US.UTL

Claim 3 is dependent on Claim 1 and the Slivka-Rakavy combination similarly fails to teach or suggest all claim limitations and as further distinguished by the limitations recited therein. Claim 14 is dependent on Claim 12 and the Slivka-Rakavy combination similarly fails to teach or suggest all claim limitations and as further distinguished by the limitations recited therein. Accordingly, as a *prima facie* case of obviousness has not been shown for Claims 3 and 14, withdrawal of the rejection for obviousness under 35 U.S.C. 103(a) is requested.

Claims 24-25, 28-38, 43, and 52 stand rejected under 35 U.S.C. 103(a) as being obvious over Slivka, in view of the publication "Understanding UpnP (TM): A Whitepaper," June 2000, published by the UpnP (TM) Forum ("UpnP"). Applicant traverses the rejection.

In contrast, amended Claim 24 recites a status daemon operating autonomously on the one such network appliance and periodically providing a status report containing health and status information and application-specific data pertaining to autonomous configuration and management of the one such network appliance. Claim 24 further recites a catalog checker obtaining a catalog of currently installable components dynamically generated for the one such network appliance based on the status report independently received from the one such network appliance and determining non-current components by comparing the components and versions listed in the obtained catalog against the internal catalog. Such limitations are neither taught nor suggested by Slivka.

In particular, Claim 24 has been amended to clarify that a status daemon operating autonomously on the network appliance and independently from any user-initiated connection, as described in Slivka. Moreover, Claim 24 has been amended to clarify that the status report pertains to autonomous configuration and management of the network appliance, rather than the inventory and version information taught by Slivka. As well, Claim 24 has been amended to clarify that the configuration settings are based on the configuration settings independently received from the network appliance, rather than an inventory conducted in response to an update request received from a user, as described by Slivka. Support for the amendments can be found in the specification on page 6, lines 6-

Response to Office Action
Docket No. 002.0230.US.UTL

15; page 7, lines 7-26; page 11, line 27 through page 12, line 2. Such limitations are neither taught nor suggested by Slivka.

Thus, a *prima facie* case of obviousness has not been shown with respect to Claim 24. Claims 25 and 28-38 are dependent on Claim 24 and are patentable
5 for the above-stated reasons, and as further distinguished by the limitations recited therein. Claims 43 and 52 are dependent on Claim 39 and the Slivka-UpnP combination similarly fails to teach or suggest all claim limitations and as further distinguished by the limitations recited therein. Accordingly, as a *prima facie* case of obviousness has not been shown for Claims 24-25, 28-38, 43, and 52,
10 withdrawal of the rejection for obviousness under 35 U.S.C. 103(a) is requested.

Claims 26-27 and 41-42 stand rejected under 35 U.S.C. 103(a) as being obvious over Slivka and UPnP, in view of the publication "Plug-In Guide," published by Netscape Communications (TM), January 1998 ("Netscape"). Applicant traverses the rejection.

15 Claims 26-27 are dependent on Claim 24 and the Slivka-UpnP-Netscape combination similarly fails to teach or suggest all claim limitations and as further distinguished by the limitations recited therein. Claims 41-42 are dependent on Claim 39 and the Slivka-UpnP-Netscape combination similarly fails to teach or suggest all claim limitations and as further distinguished by the limitations recited
20 therein. Accordingly, as a *prima facie* case of obviousness has not been shown for Claims 26-27 and 41-42, withdrawal of the rejection for obviousness under 35 U.S.C. 103(a) is requested.

The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references
25 already applied.

Claims 1-54 are believed to be in condition for allowance. Entry of the foregoing amendment is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

30

Response to Office Action
Docket No. 002.0230.US.UTL

Respectfully submitted,

Dated: September 29, 2004

By: 

Patrick J.S. Inouye, Esq.
Reg. No. 40,297

Law Offices of Patrick J.S. Inouye
810 Third Avenue, Suite 258
Seattle, WA 98104

Telephone: (206) 381-3900
Facsimile: (206) 381-3999

OA Response

OA Response

- 18 -